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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.6818 OF 2025

Arun Khandu Bhagwat & Anr.	... Petitioners
V/s.	
The State of Maharashtra & Ors.	... Respondents

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Mr. Ronak Utagikar for the petitioners.

Ms. Kavita N. Solunke, Additional G.P. with Mr. S.L. Babar, AGP for the respondent-State.

CORAM : AMIT BORKAR, J.

DATED : SEPTEMBER 18, 2025

P.C.:

1. Since the earlier revision application itself was decided without issuing notice to the Bank, in the present writ petition there is no requirement to again issue notice to the Bank. The controversy raised here is confined only to the legality of the order rejecting the application for condonation of delay. The rights of the Bank are not prejudiced by examining such limited question.

2. By this writ petition filed under Article 227 of the Constitution of India, the petitioners have challenged the judgment and order dated 23 October 2023 passed by the Divisional Joint Registrar, Cooperative Societies, Pune. By the impugned order, the authority has rejected the application for condonation of delay in filing revision application. The revision was directed against a recovery certificate issued under Section 101 of the Maharashtra Cooperative Societies Act, 1960.

3. On perusal of the impugned order, it is clear that the Revisional Authority has dismissed the application for condonation of delay mainly on the ground that the petitioners had not complied with the mandatory requirement of Section 154(2A) of the Maharashtra Cooperative Societies Act, 1960.
4. The question that arises is whether the bar under Section 154(2A) operates at the stage of deciding an application for condonation of delay. On this issue, the legal position is well settled. This Court has, on several occasions, held that the obligation to deposit the statutory amount under Section 154(2A) arises at the stage of entertaining the revision on merits. At the stage of only examining whether the delay in filing revision deserves to be condoned, such compliance is not required.
5. The rationale behind this interpretation is that unless the delay is condoned, the revision itself does not come into existence for consideration on merits. Therefore, insistence upon compliance with Section 154(2A) at the stage of condonation of delay would amount to putting an impossible burden on the applicant. The law never contemplates a requirement that frustrates the very remedy of revision available under the statute.
6. In this background, the Divisional Joint Registrar was not justified in rejecting the application for condonation of delay on the ground of non-compliance with Section 154(2A). The reasoning adopted by the authority is contrary to the settled interpretation of law and therefore cannot be sustained.

7. Accordingly, the impugned order dated 23 October 2023 passed by the Divisional Joint Registrar, Cooperative Societies, Pune is quashed and set aside.
8. The revision application filed by the petitioners is restored to the file of the Divisional Joint Registrar. The said authority shall now decide the application for condonation of delay afresh in accordance with law.
9. It is clarified that when the revision application is taken up for hearing on merits, the petitioners will be required to comply with Section 154(2A) of the Maharashtra Cooperative Societies Act, 1960. The Revisional Authority shall proceed thereafter in accordance with law.
10. The writ petition stands disposed of in above terms. No costs.

(AMIT BORKAR, J.)